

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DEJUAN HICKSON,)	
)	
Plaintiff,)	
)	
v.)	
)	
CITY OF DURANT; THOMAS BILLY;)	Case No. 6:23-cv-208-Raw-Jar
RICKY FORD; MICHAEL)	
GOODLOW; and THOMAS)	
ROBERTSON,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff Dejuan Hickson brings this action against Defendants City of Durant (the “City”), Thomas Billy, Ricky Ford, Michael Goodlow, and Thomas Robertson pursuant to 42 U.S.C. § 1983 and certain state law authorities. Pending before the court is the Partial Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) filed by the City against Plaintiff’s state law claims for malicious prosecution and intentional infliction of emotional distress. [Doc. 31].

The City’s Motion includes a Certificate of Service which indicates counsel for Plaintiff, Ronald Jones II, was served on December 15, 2023 via transmittal of a Notice of Electronic Filing generated by the Court’s Electronic Case Filing System. *See* EDOCK LCvR 5.1, 5.6(c). Plaintiff’s Response was due by December 29, 2023, pursuant to EDOCK LCvR 7.1(d). To date, Plaintiff has neither responded to the Motion nor sought an extension of the deadline to do so. Plaintiff is consequently in default.

IT IS THEREFORE THE RECOMMENDATION OF THIS COURT that the Partial Motion to Dismiss filed by Defendant City of Durant [Doc. 31] be **GRANTED**. The parties are herewith given fourteen (14) days from the date of the service of this Report and Recommendation to file any objections with the Clerk of the court any objections. Any such objection shall be limited to ten (10) pages in length. Failure to object to this Report and Recommendation within fourteen (14) days will preclude review of this decision by the District Court. See 18 U.S.C. § 636(b)(1); Fed. R. C. P. 72(b).

IT IS SO ORDERED this this 31st day of January, 2024.



JASON A. ROBERTSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA